

United States District Court

SOUTHERNDISTRICT OF
McALLEN DIVISIONTEXAS

UNITED STATES OF AMERICA

V.

Luis Alberto Pineda-Hernandez PRINCIPAL

YOB: 1983

Rene Garcia-Banuelos CO-PRINCIPAL

YOB: 1995

Mexico

Mexico

United States District Court
Southern District of Texas
FILED

AUG 17 2016

CRIMINAL COMPLAINT

Case Number:

M-16-1527-M

Clerk of Court

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about August 15, 2016 in Hidalgo County, in the Southern District of Texas defendants(s) did,

(Track Statutory Language of Offense)
knowing or in reckless disregard of the fact that Jessika Ivannia Amaya-Hernandez, citizen and national of Honduras, Ana Berta Posada Vda-De Mejia, citizen and national of El Salvador, and Jose Israel Atz-Mac, citizen of Guatemala, along with thirty-one (31) other undocumented aliens, for a total of thirty-four (34), who had entered the United States in violation of law, concealed, harbored or shielded from detection or attempt to conceal, harbor, or shield from detection such aliens in any place, including any building or means of transportation,

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(iii) FELONY
 I further state that I am a(n) U.S. Senior Border Patrol Agent and that this complaint is based on the following facts:

On August 15, 2016, the RGV FIT West Team received information from Investigator Hernandez of the San Juan, Texas PD regarding possible alien smuggling at 114 Easy Street in San Juan, Texas. Investigator Hernandez received a call from a concerned citizen stating they had seen a beige Chevy Avalanche dropping off people who he thought were illegal aliens.

SEE ATTACHED

Continued on the attached sheet and made a part of this complaint:

 Yes No

Signature of Complainant

Cipriano Shears

Senior Patrol Agent

Printed Name of Complainant

at McAllen, Texas

City and State

Signature of Judicial Officer

Affard Joseph Leonard
 Sworn to before me and subscribed in my presence,
8-17-16

Date

Dorina Ramos, U. S. Magistrate Judge
 Name and Title of Judicial Officer

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

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**RE: Luis Alberto Pineda-Hernandez
Rene Garcia-Banuelos**

CONTINUATION:

Later that day, Investigator Hernandez set up surveillance on 114 Easy Street and observed the beige Avalanche parked in front of the residence. At some point two males entered the residence and later exited, accompanied by a female.

The Avalanche departed the residence and was stopped by San Juan PD Sergeant Rodriguez near the intersection of Raul Longoria and Eldora St. for disregarding a red light. FIT agents arrived and spoke to the occupants of the vehicle. The driver, later identified as Luis Alberto PINEDA-Hernandez, was initially taken to San Juan PD for questioning and then was released back to Border Patrol. PINEDA admitted to being illegally in the United States.

The male sitting in the front passenger seat, was identified as Rene GARCIA-Banuelos, also illegally in the US. GARCIA told agents he has been staying at 114 Easy Street for approximately 3 months and granted permission to search the residence. GARCIA also told agents there were approximately 30 more illegal aliens in the house.

The female passenger in the vehicle, identified as Jessika Ivannia Amaya-Hernandez, admitted to being illegally in the United States.

Agents and San Juan PD returned to 114 Easy Street and knocked on the door. While knocking at the front door, agents heard a lot of noise inside the house, and noticed there was smoke coming out of the attic vents on the roof. Law enforcement entered the house and realized the people in the house were cooking food, became scared, and left tortillas on the stove. The food was burning and the house was filled with smoke.

A total of 33 undocumented aliens were found inside the residence.

All subjects were transported to the Weslaco Border Patrol station for processing.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

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**RE: Luis Alberto Pineda-Hernandez
Rene Garcia-Banuelos**

CONTINUATION:

PRINCIPALS' STATEMENTS:

1- Luis Alberto PINEDA-Hernandez was advised of his rights. He stated he was willing to provide a sworn statement without the presence of an attorney.

PINEDA stated he has been transporting and harboring illegal aliens for about a month. He told agents he works for a person known to him as Erik who paid him \$500 per week. According to PINEDA, he buys food for the illegal aliens every two days. PINEDA identified Rene GARCIA-Banuelos as helping take care of the illegal aliens and as someone who lives at the house as well.

2- Rene GARCIA-Baneulos was read his rights. He stated he was willing to provide a statement without the presence of an attorney.

GARCIA told agents he illegally crossed the river approximately 3 months ago. He was offered a discount on his smuggling fee if he took care of the other illegal aliens. The majority of the illegal aliens apprehended inside the house had only been there for 3-4 days. GARCIA told agents he was in charge of making sure the illegal aliens kept quiet and to keep the count as they came and left. GARCIA swore he did not threaten anyone, even though some of the smuggled aliens said he did. He thought maybe they didn't like him. GARCIA stated he took orders from PINEDA, AKA Beto.

MATERIAL WITNESSES' STATEMENTS:

All material witnesses were read their rights. All were willing to provide a statement without the presence of an attorney.

1- Jessika Ivannia Amaya-Hernandez, a citizen of Honduras, claimed she was charged \$7,300 (USD) to be smuggled into the United States. Amaya was taken to a stash house where two men were in charge. She identified GARCIA as the one who would feed everyone. Amaya told agents that GARCIA spoke very aggressively to the smuggled aliens, cursing often. In a separate photo lineup, Amaya identified PINEDA as the man who also purchased food and transported illegal aliens to the house. Amaya thought that PINEDA had already brought 25 people to the house while she was there.

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CONTINUATION:

2- Ana Berta Posada Vda-De Mejia, a citizen of El Salvador, claimed she was charged \$5,000 (USD) to be smuggled into the United States. Vda-De Mejilla, identified GARCIA as the man in charge of the stash house where she was arrested. GARCIA instructed everyone when to eat, where to sleep, and if they had to use the restroom, not to flush. In the evening, GARCIA announce to everyone that if they did not listen to what he said, he would cut everyone up and dump them in to a pot of boiling water. A different man would arrive and count everyone, and log them into a notebook. Vda-Mejia identified that man as PINEDA. According to Vda-De Mejilla, PINEDA was higher ranking than GARCIA, and would tell GARCIA what to do.

3- Jose Israel Atz-Mac, a citizen of Guatemala, claimed to have been charged to be smuggled into the United States. According to Atz-Mac, a man at the house where he was arrested took his name down in a notebook. Atz-Mac Identified PINEDA as the man with the notebook. Another man, who Atz-Mac identified as GARCIA, was very aggressive with the people staying there. GARCIA was very verbally abusive and belittled everyone there. Atz-Mac thought GARCIA was in charge of the house.